

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Alexander Bernard Wilson, Jr.,

Petitioner,

v.

Warden, Kirkland Correctional Institution,

Respondent.

C/A No. 5:16-cv-3910-JFA

ORDER

This matter is before the Court on Petitioner's motion "to reconsider it ruling by rejection of the Magistrate Judge Recommendation." (ECF No. 32)(errors in original). As motions to reconsider are not expressly contemplated by the Federal Rules of Civil Procedure, the Court will treat this motion exclusively as a Rule 59(e) Motion to Alter or Amend the Judgment.

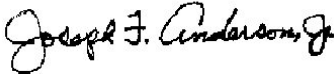
Motions under Rule 59(e) are not to be made lightly: "[R]econsideration of a judgement after its entry is an extraordinary remedy which should be used sparingly." *Pac. Ins. Co. v. Am. Nat. Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (citing 11 Wright et al., *Federal Practice and Procedure* § 2810.1, at 124 (2d ed. 1995)). The Fourth Circuit has held such a motion should be granted for only three reasons: (1) to follow an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) "to correct a clear error of law or prevent manifest injustice." *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993). Rule 59(e) motions "may not be used to make arguments that could have been made before the judgment was entered." *Hill v. Braxton*, 277 F.3d 701, 708 (4th Cir. 2002). Nor are they opportunities to relitigate issues already ruled upon. *Pac. Ins. Co.*, at 403 (4th Cir. 1998) (quoting Wright et al., *supra*, § 2810.1, at 127–28).

Having reviewed the pleadings related to this motion, the Court finds oral argument would not aid in its decision-making process¹. The motion does not assert a change in controlling law, nor present new evidence. Additionally, the motion fails to point out a clear legal error within the Order adopting the Report and Recommendation and dismissing this case. (ECF No. 28). The motion only asserts that Petitioner objects to “the Order of U.S. District Joseph F. Anderson Jr. on 03/21/17.” (ECF No. 32)(errors in original). The instant motion is essentially an attempt to reargue issues already fully briefed, argued, and decided by this Court. The Court understands that Petitioner may disagree with this Court’s ruling. Nevertheless, an appeal to the Fourth Circuit after entry of judgment is the proper method for seeking review of the aggrieving ruling.

For the above reasons, the motion to alter or amend the judgment is denied.

IT IS SO ORDERED.

July 12, 2017
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge

¹ Hearings on motions may be ordered by the court in its discretion and motions may be determined without a hearing. Local Civ. Rule 7.08 (D.S.C.).